

On May 23, 1942, the United States attorney for the Northern District of Texas filed an information against Kadane Creamery Co., Dallas, Tex., and Sheffie A. Kadane, alleging shipment on or about May 19, 1941, from the State of Texas into the State of Louisiana of a quantity of Cheddar cheese which was adulterated and misbranded. It was labeled in part: "Armour's Cloverbloom American Cheddar Cheese Armour Creameries. Distributors. Genl Office Chicago, Ill."

The article was alleged to be adulterated in that a product containing moisture in excess of 39 percent and the solids of which contained less than 50 percent of milk fat, had been substituted for Cheddar cheese, a product which should contain not more than 39 percent of moisture and the solids of which should contain not less than 50 percent of milk fat.

It was alleged to be misbranded in that it purported to be and was represented as Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations, as provided by law, but it failed to conform to such definition and standard.

On July 6, 1942, a plea of guilty having been entered, the court imposed a fine of \$50 against each defendant, totaling \$100.

3702. Adulteration of Limburger cheese. U. S. v. Henry C. Loveland, Fred C. Marty, Edward W. Marty, Edward C. Hefty, Henry H. Elmer, and Anton M. Hefty (Town Hall Cheese Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 5476. Sample No. 31783-E.)

This product contained larvae, adult insects, and fragments of insects.

On November 19, 1941, the United States attorney for the Western District of Wisconsin filed an information against Henry C. Loveland, Fred C. Marty, Edward W. Marty, Edward C. Hefty, Henry H. Elmer, and Anton M. Hefty, copartners trading as Town Hall Cheese Co., Monticello, Wis., alleging that on or about May 31, 1939, the defendants gave to the Badger Brodhead Cheese Co. of Monroe, Wis., a guaranty that all cheese thereafter shipped or delivered by the defendant to that company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about August 30, 1940, the defendants sold and delivered to the Badger Brodhead Cheese Co. a number of cases of cheese; and that on or about September 19, 1940, the said cheese was introduced into interstate commerce by the purchaser from the State of Wisconsin into the State of Illinois. The information charged further that the defendants had given a guaranty which was false within the meaning of the law since the cheese when sold and delivered by the defendant and introduced into interstate commerce was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On March 20, 1942, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of \$25.

3703. Adulteration of Cheddar cheese. U. S. v. 225 Boxes of Cheddar Cheese. Decree of condemnation. Product ordered released under bond for use as hog feed. (F. D. C. No. 6853. Sample No. 79169-E.)

On February 11, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 225 75-pound boxes of cheese at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 17, 1942, by Alabama Dairy Products, Inc., from Decatur, Ala.; and charging that it was adulterated (1) in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food; and (2) in that it had been prepared, packed, or held under insanitary conditions whereby it might have been contaminated with filth.

On April 10, 1942, Alabama Dairy Products, Inc., claimant, having petitioned for release of the product, judgment of condemnation was entered and the product was ordered released under bond for use as hog feed under the supervision of the State Chemist and State Dairy Commissioner of Tennessee.

3704. Adulteration of Cheddar cheese. U. S. v. 99 Cases of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6852. Sample No. 83701-E.)

This product contained rodent hairs and insect fragments.

On February 11, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 99 cases of cheese at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January

5, 1942, by the Devine Creamery from Devine, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "Clearbrook."

On June 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3705. Adulteration of cheese. U. S. v. 408 Cartons of Cheese. Decree of condemnation with provision for segregation of fit from the unfit and release of former. (F. D. C. No. 6207. Sample No. 53581-E.)

This product contained rodent hairs and insect fragments.

On November 12, 1941, the United States attorney for the Southern District of California filed a libel against 408 cartons of cheese at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 3, 1941, by the Kraft Phenix Cheese Co. from Portales, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "Elkhorn Brand Whole Milk Cheese."

On February 5, 1942, the Plains Cooperative, Inc., claimant and owner, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that while the product was still in possession of the United States marshal, the fit portion be separated from the unfit under the supervision of the Food and Drug Administration; it was ordered further that the fit portion be released to the claimant and that the unfit be disposed of as directed by the Food and Drug Administration.

3706. Adulteration and misbranding of cheese. U. S. v. 19 and 26 Longhorn Cheeses. Default decrees of condemnation and destruction. (F. D. C. Nos. 7344, 7404. Sample Nos. 80067-E, 80074-E.)

This product was contaminated with rodent hairs; and one shipment was deficient in milk fat.

On April 15 and 27, 1942, the United States attorney for the Southern District of Ohio filed libels against 45 longhorn cheeses at Cincinnati, Ohio, which had been consigned on or about March 30 and April 20, 1942, alleging that the article had been shipped in interstate commerce by the Kyle Creamery Association from Aurora, Ind.; and charging that it was adulterated and that a portion was also misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have been contaminated with filth. A portion was alleged to be adulterated further in that a product deficient in milk fat had been substituted wholly or in part for longhorn whole milk cheese, which it purported to be.

The said portion was alleged to be misbranded in that it purported to be cheese, a food for which a definition and standard of identity had been designated by regulations as prescribed by law, but it failed to conform to such definition and standard because its solids contained less than 50 percent of milk fat.

On May 21 and June 11, 1942 no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3707. Adulteration of Cheddar cheese. U. S. v. 31 Cheddars. Default decree of condemnation and destruction. (F. D. C. No. 7462. Sample No. 73060-E.)

This product contained hair fragments resembling rodent hairs, miscellaneous dirt, and fragments of a substance resembling paint.

On May 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 31 Cheddar cheeses at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about April 7, 1942, by Osage Milk Products Co. from Osage City, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.